

FOR DO-1390
REV. 11-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER
10901/95

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known; see 37 CFR 1.5)

10/528890INTERNATIONAL APPLICATION NO.
PCT/EP03/10447INTERNATIONAL FILING DATE
(19.09.03)
19 September 2003PRIORITY DATE CLAIMED:
(25.09.02)
25 September 2002

TITLE OF INVENTION

**METHOD FOR OPERATING A POSITION-MEASURING DEVICE AND POSITION-MEASURING DEVICE
SUITABLE TO THAT END**

APPLICANT(S) FOR DO/EO/US

HOFBAUER, Hermann and STRASSER, Erich

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A preliminary amendment.
14. An Application Data Sheet under 37 CFR 1.76.
15. A substitute specification and marked-up version of the substitute specification.
16. A power of attorney and/or change of address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information: International Search Report (translated), Preliminary Examination Report (translated) and Form PCT/RO/101.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER	
10/528890		10901/95	
The following fees are submitted:			
21 <input checked="" type="checkbox"/> Basic National Fee	\$ 300.00	\$	
22. <input type="checkbox"/> Examination Fee – If International preliminary exam report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....	\$ 100.00	\$	
<input checked="" type="checkbox"/> Examination Fee - All other situations	\$ 200.00	\$	
23. <input type="checkbox"/> Search Fee – Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as ISA	\$ 100.00	\$	
<input checked="" type="checkbox"/> International Search Report prepared and provided to the Office.....	\$ 400.00	\$	
<input type="checkbox"/> Search Fee – All other situations	\$ 500.00	\$	
TOTAL OF ABOVE CALCULATIONS		\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
-100	/50=		x \$250
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).			\$
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total Claims	18 - 20 =	0	x \$50.00
Independent Claims	3 - 3 =	0	x \$200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00
TOTAL OF ABOVE CALCULATIONS =			\$900.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.			
			SUBTOTAL = \$900.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			\$
			TOTAL NATIONAL FEE = \$900.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			\$
			TOTAL FEES ENCLOSED = \$900.00
			Amount to be refunded: \$
			Amount to be charged \$900.00
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.			
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>11-0600</u> in the amount of \$900.00 to cover the above fees.			
c. <input checked="" type="checkbox"/> A duplicate copy of this sheet is enclosed.			
d. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>11-0600</u> . A duplicate copy of this sheet is enclosed.			
e. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.437(a) or (b)) must be filed and granted to restore the application to pending status.			
SEND ALL CORRESPONDENCE TO: KENYON & KENYON One Broadway New York, New York 10004 CUSTOMER NO. 26646			
SIGNATURE Richard L. Mayer (Reg. No. 22,490) NAME <i>[Signature]</i> DATE <i>March 23, 2005</i>			